

HIGH COURT OF TRIPURA
AGARTALA
MAC. APP. NO.34 OF 2025

1. **Sri Amrit Nama**, Age - 41 years.
S/o. Late Manohar Nama.

2. **Smt. Nayani Nama Das**, Age - 40 years
W/o. Late Bhulu Ch. Das
D/o. Late Manohar Nama

3. **Sri Benu Nama**, 34 years.
S/o. Late Manohar Nama

All are resident of North Charilam
P.S.-Bishalgarh, District-Sepahijala Tripura.
Presently Residing at A.D. Nagar, Surya Para
P.S. &P.O.-A.D.Nagar, District-West Tripura.

..Appellant(s)/Claimant Petitioner(s)

VERSUS

1) **Smt. Jhulan Das**,
W/o. Sri Subhash Das,
Resident of Chanban,
P.S.- R.K.Pur, Dist.- Gomati Tripura.

(Owner of the offending vehicle bearing No-TR-03-G-9851
Scotty)

2) **The Divisional Manager**,
The Oriental Insurance Company Ltd.,
Divisional office, East bank of Jagannath Dighi,
P.S.-R.K.Pur, District- Gomati Tripura
(Insurer of offending vehicle bearing No- TR-03-G-9851
Scotty)

.....Respondent(s).

Present:

For the Appellant(s)	: Ms. A. Chakraborty, Advocate. Mr. Samar Das, Advocate. Ms. R. Bhattacharjee, Advocate.
For the Respondent(s)	: Mr. R. Saha, Advocate.

25.09.2025

HON'BLE JUSTICE DR. T. AMARNATH GOUD

Order

1. This is an appeal filed under Section 173 of the Motor Vehicles Act, 1988, for enhancement of the Judgment and Award passed in T.S. (MAC) 148 of 2020 by the Motor Accident Claims Tribunal, Court No. 1, West Tripura, Agartala, dated 21-01-2025.
2. The brief facts of this case are that the appellant/claimant petitioner filed a petition under Section 166 of the Motor Vehicles Act, being numbered T.S. (MAC) 148 of 2020, for causing the unfortunate death in a motor accident which occurred on 12/12/2018 involving the vehicle of the respondent herein. The allegation was that one Scotty bearing Registration No. TR-03-G-9851 (Scotty) was going from Udaipur side towards Agartala side and was being driven very rashly and negligently at a very high speed and dashed the victim Pushpa Rani Nama. As a result of this accident, the deceased Pushpa Rani Nama succumbed to her injuries due to the aforesaid road traffic accident.
3. One case was registered against the offending vehicle under Sections 279/304(A) of IPC. The learned Tribunal thereafter issued summons upon the respondent-opposite parties. Accordingly, the respondent-opposite parties appeared before the learned Tribunal and contested the said proceeding by filing a written statement. Thereafter, the learned Tribunal, after hearing the arguments of the parties, announced the Judgment and Award on 21-01-2025, directing the respondent-Insurance Company to pay compensation of Rs.5,40,000/- (Five Lakh Forty Thousand) only, along with 7.5% interest. Being aggrieved by the same, the appellants have filed this appeal.

4. Heard Mr. S. Das, learned counsel appearing for the appellants, as well as Mr. R. Saha, learned counsel appearing for the respondent-Oriental Insurance Company.

5. Mr. Das, learned counsel appearing for the appellant, submits that the learned Tribunal failed to properly appreciate the monthly income of the deceased. The deceased used to earn Rs.18,000/- per month through tailoring, but the learned Tribunal, without considering the same, passed the impugned Judgment by considering the monthly income of the deceased as Rs.5,000/- per month which is on lower side.

6. On the other hand, Mr. Rajiv Saha, learned counsel appearing for the respondent Insurance Company, vehemently opposed the said submission, stating that the Judgment and Award as passed by the Court below is just and proper and requires no further interference.

7. Heard and perused the evidence on record.

8. Mr. R. Saha, learned counsel appearing for the respondent-Oriental Insurance Company, submits before this Court that there is no documentary evidence placed on record to show that she, the deceased was earning Rs.18,000/- by tailoring. He contends that other heads which the Court below has considered are just and reasonable and there is no need for enhancing the compensation, and prays for dismissal of the appeal.

9. Considering the arguments advanced by learned counsel appearing for the respondent Insurance Company, this Court is convinced that there is no need to enhance the amount awarded by the learned Tribunal, which is just and proper. However, in so far as the monthly income portion is concerned, the learned Tribunal notionally fixed it at Rs.5,000/-, whereas the High Court notification dated 4th August 2023 shows Rs.10,000/- as monthly income for unskilled labour. In view of the same, the monthly income of the deceased is assessed at Rs.10,000/- per month instead of Rs.5,000/- per month, in terms of the High Court notification dated 4th August 2023.

10. As such, the revised compensation of the deceased, by considering her income as Rs.10,000/- per month, will be Rs.10,000 x 12 x 9 = Rs.10,80,000/-. After one-third deduction, the same would be Rs.7,20,000/-. Thereafter, after adding the amounts for loss of estate, funeral expenses, and loss of consortium, the total would be Rs.7,20,000/- + Rs.18,000/- + Rs.18,000/- + Rs.1,44,000/- = Rs.9,00,000/- (Rupees Nine Lakhs) only. As indicated above, the other parts of the impugned Judgment and Award shall remain intact.

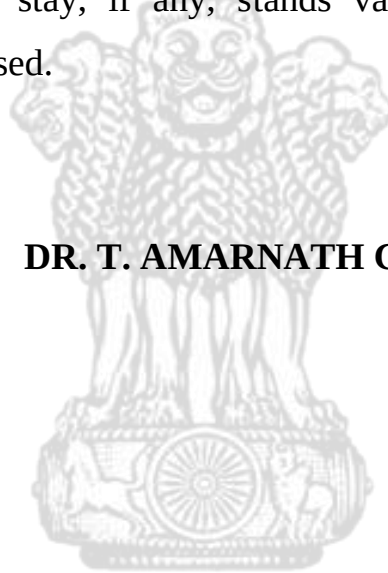
11. With the above observations, the present appeal stands disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stand closed.

DR. T. AMARNATH GOUD, J

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